



The Court of Magistrates (Malta)

As a Court of Criminal Judicature

**Magistrat Dr. Nadine Lia B.A., LL.M(Kent)., LL.D; Barrister at
Law (England & Wales)**

The Police

(Inspector Clayton Camilleri)

vs

Victor Rusu

The Court after seeing the charges in respect of **Victor Rusu** son of Giorge and Tatiana nee Karapeouski, born on the 21st October 1997 in Molodova, residing at La Miranda, Flat 1, Tourist Street, St Paul's Bay, Holder of Maltese Identification card number 236226A

1. In the early hours of the 15th of June 2020, whilst at 'Rotiserie Chicken Outlet' situated in il-Halel Street at St Paul's Bay, committed theft of an electronic device aggravated by value and time, to the detriment of Jean Paul Chetcuti and in breach of *Articles 267 and 270 of Chapter 9 of the Laws of Malta*.

2. And on having on the same date, time and place disobeyed lawful orders of any authority or of any person/s entrusted with a public service, hindered or obstructed such persons in the exercise of their duties, or otherwise unduly interfered with the exercise of such duties in breach of Article 338(ee) of Chapter 9 of the Laws of Malta.

Having seen that the accused registered a plea of guilt;

The Court, in view of this declaration warned the accused in the most solemn manner about the consequences arising out of his guilty plea and granted him a reasonable time within which to retract this guilty plea should he so wish. After that the Court granted this time to the accused, and after consulting with his legal counsel, the accused reiterated that is guilty as charged.

In view of this declaration, duly reiterated, the Court had no option but to find all accused guilty as charged.

Having seen the records of the proceedings as well as the documents filed together with the charge sheet and the particular circumstances of this case;

The Court after having heard submissions from the parties and before proceeding to punishment took note of the following factors in assessing the punishment of the sentence to be given:

- The prosecution has no objection should a term of suspended sentence, within any parameters of the law, be given;
- The mobile phone even though, its data was deleted was returned to the owner in working condition;
- The accused admitted at the earliest opportunity;
- The accused who has been residing in Malta for about 3 years has a clean criminal record and has had no brushes with the law to date;
- The accused in his statement has apologized for his conduct and explained that the incident took place on a drunken night out;
- The intoxication was not contested by the police;
- And finally, the accused for the last 3 years whilst he has been living in Malta has had a stable life and worked throughout.

Decide

The Court, upon the unconditional guilty plea registered by all persons charged finds Victor Rusu guilty as charged and after having seen Articles 270 and 338(ee) of the Criminal Code condemns him to three (3) months imprisonment; however having seen Article 28A of the Criminal Code it orders that the said

sentence shall not take effect unless, during the period of nine (9) months from the date of this order, he commits another offence punishable with imprisonment and thereafter the competent court so orders under Article 28B of the Criminal Code that the original sentence shall take effect.

In terms of Article 28A (4) of the Criminal Code, the Court declares and explains in ordinary language to the person charged his liability in terms of Article 28B of the Criminal Code if during the operational period he commits an offence punishable with imprisonment.

Finally, the Court, after having seen Article 392A of the Criminal Code orders that this judgment together with the records of the proceedings be transmitted to the Attorney General within six working days in terms of law.

Delivered today the 17th of June, 2020, at the Courts of Justice in Valletta, Malta.

Dr. Nadine Lia
Magistrate

Lorianne Spiteri
Deputy Registrar